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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 CHARLES V. FARNSWORTH,

12 Plaintiff,

13 v.

14 TEDDI ARMSTRONG,

15 Defendants.

16 CASE NO. C20-5007 MJP

17 ORDER ADOPTING REPORT AND
18 RECOMMENDATION

19 THIS MATTER comes before the Court on Plaintiff Charles V. Farnsworth's Objections
20 (Dkt. No. 44) to the Report and Recommendation of the Honorable Theresa L. Fricke, United
21 States Magistrate Judge (Dkt. No. 40). Having reviewed the Report and Recommendation, the
22 Objections, and all related papers, the Court ADOPTS the Report and Recommendation and
23 DISMISSES Plaintiff's claims against the Washington State Department of Corrections,
24 DENIES Plaintiff's motions for default judgment (Dkt. Nos. 9, 10), and DENIES Plaintiff's
 motions for preliminary injunction (Dkt. Nos. 13, 28).

1 Plaintiff, currently an inmate at the Clallam Bay Corrections Center (CBCC), brings suit
2 against the Washington State Department of Corrections (DOC), and DOC employees Teddi
3 Armstrong (psychiatric nurse), Jackie Brennan (nurse), Bruce C. Gage (DOC “chief of
4 psychiatry”), and “Five Unknown Health Care Providers.” (Dkt. No. 8 at 1-4.) Plaintiff alleges
5 Defendants violated his Eighth and Fourteenth Amendment rights to be free from cruel and
6 unusual punishment, engaged in a conspiracy, and retaliated against him. (*Id.* at 5-6, 20.)
7 Relevant here, Plaintiff has also filed two motions seeking injunctive relief directing the DOC
8 law librarian and DOC to provide him with free copies of his electronically filed documents.
9 (Dkts. No. 13, 28.)

10 In her Report and Recommendation, Magistrate Judge Fricke recommends dismissing the
11 DOC, which is not a proper defendant in a § 1983 civil rights action, dismissing the “Five
12 Unnamed Health Care Providers” because the Court lacked sufficient information to identify and
13 serve these individuals, and denying Plaintiff’s motions for default judgment because Plaintiff
14 filed these motions prior to service of the complaint. (Dkt. No. 40 at 4-7.)

15 The Report and Recommendation also concludes that the Court lacks the authority to
16 grant Plaintiff’s two motions for injunctive relief which seek an order directing the DOC law
17 librarian and the DOC to provide Plaintiff with free copies of his electronically filed documents.
18 (Dkt. Nos. 13, 28.) Magistrate Judge Fricke found that the law librarian, who is not listed as a
19 defendant in the Complaint, and the DOC, which has immunity from Eighth Amendment claims,
20 are not proper defendants in this action. Further, Judge Fricke found that plaintiff’s request for
21 injunctive relief is unrelated to the substantive claims in his complaint which pertain to
22 inadequate mental health treatment by DOC staff. (Dkt. No. 40 at 8.) Finally, Judge Fricke
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1 found that Plaintiff has not shown a likelihood of irreparable harm in the absence of injunctive
2 relief. (Id. at 9-10.)

3 Plaintiff has objected only to Judge Fricke's recommendation that his motions for
4 injunctive relief be denied. (Dkt. No. 44.) Under Federal Rule of Civil Procedure 72, the Court
5 must resolve de novo any part of the Magistrate Judge's Report and Recommendation that has
6 been properly objected to and may accept, reject, or modify the recommended disposition. Fed.
7 R. Civ. P. 72(b)(3); see also 28 U.S.C. § 636(b)(1). In his Objections, Plaintiff requests that the
8 Court require all defendants to provide him with free copies in order to address the concern that
9 the Court lacks jurisdiction over the DOC and the law librarian. (Id. at 2.) He also contends that
10 in the past, his legal paperwork was lost when he was transported, acknowledging Judge Fricke's
11 finding that he has not shown a likelihood of irreparable harm. (Id. at 2-3.) But Plaintiff's
12 objections do not address or cure the fundamental issue that because "plaintiff seeks injunctive
13 relief based on claims not pled in the complaint, the court does not have the authority to issue an
14 injunction." Pac. Radiation Oncology, LLC v. Queen's Med. Ctr., 810 F.3d 631, 633 (9th Cir.
15 2015). The Court therefore ADOPTS the Report and Recommendation.

16 **Conclusion**

17 In sum, the Court finds and ORDERS:

- 18 (1) The Report and Recommendation is ADOPTED;
- 19 (2) Plaintiff's claims against Washington State Department of Corrections are
20 DISMISSED;
- 21 (3) Plaintiff's motions for "default judgment or in lieu of service of [the] complaint"
22 (Dkts. 9, 10) are DENIED as prematurely filed and as now moot; and
- 23 (4) Plaintiff's motions for preliminary injunction (Dkts. 13, 28) are DENIED;

1 (5) This matter shall remain referred to Judge Fricke.

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3 The clerk is ordered to provide copies of this order to Plaintiff, Magistrate Judge Fricke,
4 and all counsel.

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6 Dated November 18, 2020.

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Marsha J. Pechman
United States Senior District Judge